

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|-----------------------------------|---|---------------------|
| DOROTHY BYRD, EDWARD CHEW, | : | |
| PATRICIA BRYANT, and WANDA | : | |
| DOREEN DAVIS, | : | |
| Plaintiffs, | : | CIVIL ACTION |
| v. | : | NO. 12-4520 |
| | : | |
| CITY OF PHILADELPHIA, | : | |
| and BARBARA A. DEELY, | : | |
| Defendants. | : | |

ORDER

AND NOW, this 22nd day of October, 2013, upon consideration of Defendants' Partial Motion to Dismiss (Docket No. 3) and Plaintiffs' Opposition thereto (Docket No. 4), it is hereby **ORDERED** that Defendants' Motion is **GRANTED in part**, and **DENIED in part** as follows:

1. Defendants' Motion is **GRANTED** as to Count II regarding Plaintiffs' allegations of disparate impact, and those allegations are **DISMISSED without prejudice**.

2. Defendants' Motion is **GRANTED** as to Count III, and Count III is **DISMISSED without prejudice**.

3. Defendants' Motion is **GRANTED** as to Count V, and Plaintiff Chew is **DISMISSED with prejudice**, and Plaintiff Bryant is **DISMISSED without prejudice**.

4. Defendants' Motion is **GRANTED** as to Count VII, and Plaintiff Chew is **DISMISSED with prejudice**, and Plaintiff Bryant is **DISMISSED without prejudice**.

5. Plaintiffs may file an amended complaint no later than 14 days from the date of this order.

BY THE COURT:

S/Gene E.K. Pratter

GENE E.K. PRATTER

UNITED STATES DISTRICT JUDGE